

for further prosecution Group I (claims 1-21) drawn to a method for the analysis of a sample. This election is made with traverse.

The Examiner requires restriction to one of the following groups:

Group I (claims 1-21 directed to a method for the analysis of a sample, classified in class 435, subclass 6);

Group II (claims 22-43 directed to selective adherence and detection of analytes in a sample; classified in class 427, subclass 8); and

Group III (claims 44-65 directed to a method for analyzing a chemical reaction, classified in class 436, subclass 164).


Reconsideration of the restriction requirement is respectfully requested. While it is acknowledged that the inventions defined in the respective groups of claims are distinct, it is submitted that they are not independent. All claims relate to the use of a deposited thin film and a detection means. The Examiner noted that a detection means of Group I was not required by the claims of the other groups. The Applicant respectfully calls to the Examiner's attention that in fact all claims of all groups have the requirement of a detection means. As the Examiner will note, the limitations found in dependent claims of Group I regarding characteristics of thin films, sample, etc. (i.e., claims 2-21 depending from claim 1) are largely repeated with Group II (i.e., claims 23-43 depending from claim 22) and Group III (i.e., claims 45-64 depending from claim 44) and supportive of inventive unity. Also, it is unlikely that any relevant prior art would be found in references that have nothing to do with the distinctive thin films and detection

means. Search classification by itself does not provide a statutory basis for a restriction requirement. The Applicant submits that the inventions identified by the Examiner are distinct, but not both distinct and independent and that the claims of Groups I-III may properly be rejoined. With the common claim elements noted above, it is believed that a search of the art would not be burdensome to the Examiner.

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Respectfully submitted,

By:



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